

Program Summary
Attorney General - Department of Law
Victims' Rights Program

Program Overview

In 1990, Arizona voters approved Proposition 104 establishing the Crime Victims' Bill of Rights in the Arizona Constitution (Article 2, Section 2.1). In 1991 and 1995, the Arizona State Legislature passed statutes known collectively as the Crime Victims' Rights and Victims' Rights for Juvenile Offenses that define and implement the rights accorded to victims of crime in the Constitution. Administered by the Attorney General's office (AG), the Victims' Rights Program (VRP) is charged with enhancing, promoting and maintaining the ability for victims of crime to become an integral part of the criminal justice process.

The VRP achieves its mission by providing financial relief to local and state entities identified and charged in statute with notifying victims during various steps in the criminal and juvenile justice process. The VRP also conducts performance and financial evaluations of agencies that receive these monies and submits an annual report to the Arizona Governor and Legislature.

The Arizona Criminal Justice Commission (ACJC) also administers 2 programs that provide monetary compensation to crime victims and finance direct crime victim services: the Victim Compensation Program and the Victim Assistance Program. ACJC administers these programs in a manner that is similar to the VRP, providing financial relief to qualifying entities and auditing their compliance with stated victim service-oriented objectives.

Program Funding

The Victims' Rights Program receives funding from the Victims' Rights Fund (VRF). The fund collects an assessment on parents of juvenile offenders for distribution to qualifying state and local entities and 7.68% of Criminal Justice Enhancement Fund (CJEF) monies. CJEF consists of a 47% penalty assessment on fines, violations, forfeitures, and penalties imposed by the courts for criminal offenses and civil motor vehicle statute violations.

In FY 2006, the program is funded at \$3.2 million. Since FY 2001, additional monies have been added for statewide salary and benefits adjustments. *Table 1* displays historical funding information for the Victims' Rights Program using data from FY 2001, FY 2005 and FY 2006.

In FY 2001, \$500,000 from the General Fund was appropriated to the Victims' Rights Program. The appropriation of General Fund monies for the program was discontinued after FY 2001 in favor of an increase in the appropriation from the VRF.

Table 1

**Victims' Rights Program
Funding History**

<u>Fund</u>	<u>FY 2001</u>	<u>FY 2005</u>	<u>FY 2006</u>
VRF	\$2,594,300	\$3,199,300	\$3,228,300
GF	504,400	0	0
Total	\$3,098,700	\$3,199,300	\$3,228,300

Eligibility for VRP Funds

Any local or state entity charged with notifying victims in statute may apply for funding from the VRP. For first time applicants, the Attorney General's office takes into consideration several factors when deciding which entities will be awarded funds. These factors include in FY 2005:

- The applicant's funding request in relationship to total funds available for award;
- The reasonableness of the funding request in light of the applicant's statutory responsibilities and their associated actual costs, projected costs and financial support anticipated from other sources;
- Cost-effective delivery of mandated services in a previous fiscal year (if applicable);
- A comparison of performance and cost data with data reported by like-entities in previous fund award cycles;
- Evidence of the necessity of funding for developing additional activities that would increase the efficient or effective provision of services;
- Accuracy and thoroughness of the completed application.

Entities that have received VRP monies for at least 1 fiscal year do not need to reapply for funding in future fiscal years as long as they have satisfied the program's reporting requirements. Initially, entities are allocated the same percentage they received in the prior fiscal year of total VRP funds disbursed to qualifying entities. The Attorney General may adjust this initial allocation or deny continued funding if the review of the annual report, audit reports and any other relevant materials indicate that they failed to

effectively implement or comply with victims' rights mandates. Any such adjustments proportionally modify the percentage share of funds subsequently awarded to all recipients. Entities that received funding for the first time up to 2 years prior may also be required to submit a formal Performance Review.

Recent Programmatic Changes

During the past legislative session, the Legislature added several notification requirements for victims of criminal offenses. Local or state entities charged with these notification requirements are eligible to apply for VRP funding. Additional notification requirements include:

- The allowance for a victim to request rights throughout the adult or juvenile justice process, including the right to notification, if the criminal offense for which they are a victim of has been charged but the count/counts have been dismissed as the result of a plea agreement. If the victim requests rights, prosecutors must notify the probation department;
- Court notification to victims that request notification of modifications or proposed modifications of the terms of probation or intensive probation of adult and juvenile offenders;
- If the victim has requested post-adjudication notice, probation is revoked and the juvenile is sent to the Department of Juvenile Corrections (DJC), court notification of the victim's request to DJC;
- Notification to victims by parties that request extensions in appellate and post-conviction relief proceedings.

Performance Measures

The Attorney General's office did not submit performance measures for the VRP in the Master List of State Government Programs FY 2004–2007 and performance measures are not included in the General Appropriation Act. To better assess the extent to which the VRP is achieving its goals, the Attorney General's office should consider tracking several performance measures.

A performance measure that tracks the percentage of VRP expenditures that are disbursed as awards each fiscal year should be measured. For instance, 88.4% of VRP expenditures were distributed to qualifying entities in FY 2001, 88.7% were distributed in FY 2005 and 88% is expected to be distributed in FY 2006. Tracking this percentage for each fiscal year will indicate how much funding is made available to

qualifying entities relative to the cost of administering the program over time.

The Attorney General's office can also determine the extent to which VRP fund recipients comply with victims' rights laws by tracking the percentage of recipients that undergo audits, the percentage of audited recipients that adopt audit recommendations, and the percentage of recipients in compliance with mandates. These measures were reported in the Master List of State Government Programs FY 2002–2005 but are no longer included in the current Master List. Tracking these measures in the future will enable the agency to assess its effectiveness at encouraging compliance with victims' rights laws.

The Master List of State Government Programs FY 2002–2005 also includes performance measures for the percentage of agencies receiving updates or revisions to standards and the number of attendees of trainings/presentations on victims' rights laws. The Attorney General's office should continue to track this measure because it will enable the department to assess how well they update local and state entities of changes in the standards and the extent to which they are relaying important information on victims' rights law to a broad audience.

Lastly, the Attorney General's office should consider adding measures that indicate the effectiveness of the VRP in meeting the expectations of award recipients and the victims they serve. An assessment of satisfaction among both award recipients and the victims receiving their services will lend to a more accurate evaluation of the program's accomplishments and need for improvement.